

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DONNA FOX,

Plaintiff,

vs

LIBERTY LIFE ASSURANCE COMPANY OF  
BOSTON trading as LIBERTY MUTUAL and  
CRAYOLA, LLC,

Defendants.

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CIVIL ACTION

NO. 12-6841

**ORDER**

**AND NOW**, this 26th day of March, 2014, upon consideration of the Motion for Summary Judgment by Defendants, Liberty Life Assurance Company of Boston trading as Liberty Mutual and Crayola, LLC (Dkt. No. 14), the Memorandum in Support of the Motion for Summary Judgment (Dkt. No. 15), the Statement of Uncontested Material Facts in Support of the Motion (Dkt. No. 16), the Declarations by Beverly Vogel and Paula McGee with attached administrative record (Dkt. Nos. 17, 18), which documents were filed on June 17, 2013,

Upon consideration of the Motion for Summary Judgment by Plaintiff, Donna Fox (Dkt. No. 21) filed on June 19, 2013, and the Defendants' Brief in Opposition to Plaintiff's Motion (Dkt. No. 22) filed on July 8, 2013, and for the reasons stated in the accompanying Memorandum dated March 26, 2014,

**IT IS ORDERED** that the Plaintiff's Motion is **GRANTED** as to the standard of review which this Court has applied in reviewing the Defendants' denial of short-term disability benefits to Plaintiff. In all other respects, the Plaintiff's Motion is **DENIED**.

**IT IS ORDERED** that the Defendants' Motion is **DENIED** as to the standard of

review which this Court has applied in reviewing the Defendants' denial of short-term disability benefits to Plaintiff. In all other respects, the Defendants' Motion is **GRANTED**.

**IT IS ORDERED** that judgment is entered in favor of Defendants Liberty Life Assurance Company of Boston trading as Liberty Mutual and Crayola, LLC.

**IT IS ORDERED** that the case shall be marked as **CLOSED**.

BY THE COURT:

/s/ Henry S. Perkin

HENRY S. PERKIN,  
United States Magistrate Judge